

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

INSITU, INC.,
Plaintiff,
vs.
MARK KENT,
Defendant.

NO. CV-08-3067-EFS

**ORDER GRANTING DEFENDANT'S MOTION
FOR FINAL JUDGMENT AND CLOSING
FILE**

On July 17, 2009, the Court granted Plaintiff Insitu Inc.'s Motion for Summary Judgment and dismissed Defendant Mark Kent's counterclaims.¹ (Ct. Rec. [36](#).) Defendant filed a notice of appeal on August 11, 2009, and then subsequently filed a Motion for Final Judgment, which asks the Court to enter an Order specifying that its prior ruling was a final decision on Defendant's counterclaims. (Ct. Rec. [46](#).) Plaintiff does not oppose this request and further asks the Court to dismiss Plaintiff's claim for declaratory relief as moot. (Ct. Rec. [50](#).)

Upon review, the Court finds entry of final judgment is appropriate. The essence of the Court's summary judgment ruling, however, was to grant Plaintiff's declaratory relief claim, i.e.,

¹ Plaintiff's motion did not seek action on its declaratory relief claim.

1 Plaintiff is not obligated to Defendant. Therefore, the Court grants
2 Plaintiff's declaratory relief claim, rather than deny it as moot.
3 Accordingly, **IT IS HEREBY ORDERED:**

4 1. Defendant's Motion for Final Judgment (Ct. Rec. 46) is
5 **GRANTED.**

6 2. Defendant's counterclaims are dismissed (for the reasons
7 previously articulated in Ct. Rec. 36), and Plaintiff's claim for
8 declaratory relief is granted.

9 3. **Judgment** shall be entered in Plaintiff's favor.

10 4. All pending pretrial and trial dates are **STRICKEN.**

11 5. This file shall be **CLOSED.**

12 **IT IS SO ORDERED.** The District Court Executive is directed to
13 enter this Order and distribute copies to counsel.

14 **DATED** this 24th day of August 2009.

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16 S/ Edward F. Shea
17 EDWARD F. SHEA
18 UNITED STATES DISTRICT JUDGE

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